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3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 RANDY COY HENDERSON,

7 Petitioner,

8 v.

9 STEVE SINCLAIR,

10 Respondent.
11

Case No. C08-5718FDB-KLS

ORDER DENYING
APPLICATION TO PROCEED *IN*
FORMA PAUPERIS

12 Petitioner Henderson has filed objections arguing that his 2254 actions is not strictly civil and that the
13 amount he must pay to file this action is over the \$5.00 fee because of copying and mailing costs. Having
14 reviewed Petitioners objections and his Petition, the Court finds Henderson's arguments unconvincing.

15 The Court, having reviewed the Report and Recommendation, petitioner's application to proceed
16 *in forma pauperis* and the remaining record, hereby finds and ORDERS:

- 17 (1) the Magistrate Judge's report and recommendation is approved and adopted;
18 (2) petitioner's application to proceed *in forma pauperis* is DENIED;
19 (3) petitioner shall pay the required filing fee (\$5.00) to the Clerk of the Court within 30 days of
20 the date of this Order, otherwise this action will be dismissed; and
21 (4) the Clerk is directed to send copies of this Order to petitioner and any other party that has
22 appeared in this action.

23 DATED this 26th day of January 2009.

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26 FRANKLIN D. BURGESS
27 UNITED STATES DISTRICT JUDGE
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